

United States District Court
Southern District Of Texas
FILED

AO 91 (Rev. 11/11) Criminal Complaint

FEB 15 2020

UNITED STATES DISTRICT COURT

for the

David J. Bradley, Clerk

Southern District of Texas

United States of America

v.

Joshua MARTINEZ
YOB: 1995, COC: USA
Maricela YANEZ
YOB: 1995, COC: USA

Case No.

M-20-0431-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 13 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841(a)(1)
21 USC 952

Offense Description

Knowingly and Intentionally Possess with the Intent to Distribute approximately 45.58 kilograms of liquid methamphetamine, a Schedule II controlled substance and Knowingly and Intentionally Import into the United States approximately 45.58 kilograms of liquid methamphetamine, a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.Submitted by reliable electronic means, sworn to
and attested to telephonically per Fed. R. Cr. 4.1,
and probable cause found on:

/s/ Gregory Connolly

Complainant's signature

Gregory Connolly, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

02/15/2020

@ 4:16 PM

City and state:

McAllen, Texas

Approved by Robert Guerra
AUSA

Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

ATTACHMENT A

On February 13, 2020, Homeland Security Investigations (HSI) arrested two individuals, Joshua Martinez (hereinafter known as MARTINEZ) and Maricela YANEZ (hereinafter known as YANEZ) in Hidalgo, Texas. At the time of the Defendants arrest, they were in possession of 45.58 kilograms of liquid methamphetamine, which was hidden inside the gas tank of a 2003 Ford Expedition.

At approximately 1920hrs, MARTINEZ and YANEZ applied for entry at the Anzalduas Port of Entry (POE) in a Ford Expedition. Both MARTINEZ and YANEZ presented California identification cards and state of California birth certificates. MARTINEZ stated they lived in California and that they drove to Monterrey, MX to visit his sick grandmother. MARTINEZ stated after visiting his sick grandmother that they were crossing into Texas before driving back to California because they were afraid of driving back to California through Mexico.

While speaking with MARTINEZ and YANEZ, another Customs and Border Protection officer (CBPO) checked underneath the vehicle and noticed tampering on the Expedition's gas tank. The primary CBPO used a mirror to confirm and the vehicle was sent for a secondary inspection.

At secondary, a CBPO asked MARTINEZ who owned the Expedition. Both MARTINEZ and YANEZ answered at the same time and gave conflicting answers. MARTINEZ stated it was not their vehicle, however, YANEZ stated it was their vehicle and they were about to pay it off.

Because of the evidence of the gas tank being tampered with, CBPOs at secondary asked further questions about the vehicle. Both MARTINEZ and YANEZ stated they had purchased the vehicle from a mechanic in California. MARTINEZ and YANEZ both stated no mechanical work had been done on the vehicle in 3 months, and additionally that no mechanical work had been done to the vehicle in Mexico. Furthermore, both MARTINEZ and YANEZ stated no one other than themselves had been in contact or control of the vehicle. The vehicle was sent to secondary inspection. While in secondary inspection, YANEZ conducted a complete reset of her cellphone, subsequently deleting everything on her phone. Both MARTINEZ and YANEZ were then secured inside of the POE,

While MARTINEZ and YANEZ were secured, CBPOs conducted an inspection of the vehicle's gas tank which was found to contain 6 packages containing 45.58 kilograms of liquid methamphetamine, a schedule II controlled substance.

ATTACHMENT A

The HSI duty agent arrived at the POE and read both MARTINEZ and YANEZ their rights; both waived their rights verbally and in writing. During the interview of MARTINEZ, the HSI special agent (SA) noticed multiple inconsistencies in MARTINEZ's story. MARTINEZ initially stated he started driving from the Fresno, CA area on the January 21, 2020, with his ultimate destination being Monterrey, MX. MARTINEZ stated that after leaving Fresno, he and YANEZ drove East and eventually crossed into Mexico through the Nogales, AZ POE on January 22, 2020. During the post-MIRANDA questioning of MARTINEZ, he further stated he and YANEZ were the only people who drove the Expedition to Monterrey, MX. He claimed that they only stopped to sleep at truck stops. However, MARTINEZ also claimed that once in Mexico, he and YANEZ stopped to pick up his cousin just south of the Nogales, POE.

However, crossings records showed MARTINEZ and YANEZ both entered the United States from Mexico on foot through the San Ysidro, CA POE on January 18, 2020. After entering, records indicate that both MARTINEZ and YANEZ then exited through the Otay Mesa, CA POE near Tecate, MX on January 19, 2020 while driving the same 2003 Ford Expedition in which they entered the Anzalduas POE. HSI SA conducted a search of the records for Nogales, AZ POE and neither MARTINEZ nor YANEZ exited the United States at that location. Based on these records plus my training and experience, I believe that MARTINEZ was being deceptive about the real purpose of his trip to Mexico and his travel to Monterrey.

During the post-MIRANDA questioning of YANEZ, she claimed that she along with MARTINEZ and her brother drove from the Fresno, CA area. This contradicted MARTINEZ's statement MARTINEZ and YANEZ drove alone from the Fresno area. YANEZ's statement also contradicts crossing records from Otay Mesa which only show MARTINEZ and YANEZ crossing the Expedition into Mexico. Furthermore, YANEZ stated they did not stop to pick up anyone in Mexico. Her story contradicts MARTINEZ's story that they stopped to pick up his cousin.

When asked about their time in Mexico, MARTINEZ stated he and YANEZ stayed in multiple hotels for approximately 10 nights. YANEZ stated she and MARTINEZ stayed in one hotel during their stay in Mexico.

When asked about the vehicle, YANEZ stated MARTINEZ would leave with the vehicle by himself and go to the convenient store for no longer than 5-10 minutes, while MARTINEZ stated he never left with the vehicle by himself at any point.

ATTACHMENT A

During questioning, YANEZ stated multiple times she and MARTINEZ stayed with her uncle, then would try and correct herself and state it was MARTINEZ' uncle. MARTINEZ stated it was his uncle they visited, along with his sick grandmother, and they never stayed with him, while YANEZ stated they did stay with the uncle.

Due to the multiple inconsistencies in YANEZ and MARTINEZ's stories, I believe that they were attempting to conceal the fact that they knowingly and intentionally imported from the United Mexican States into the United States, the 45.58 kilograms found in the gas tank, and once in the United States, that intended to distribute or deliver the narcotics to another individual.